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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/586,294

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Jobst Hoerentrup

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EXAMINER

TILLERY, RASHAWN N

ART UNIT

PAPER NUMBER

2174

MAIL DATE

DELIVERY MODE

03/10/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/586,294	Applicant(s) HOERENTRUP ET AL.	
	Examiner RASHAWN TILLERY	Art Unit 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is responsive to the Amendment filed 11/19/2008.
2. Claims 1-12 are pending in this application. Claims 1, 8 and 12 are independent claims. In the instant Amendment, claims 1, 2, 4-6, 8-10 and 12 were amended. This action is made Final.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Kwon et al ("Kwon" US7168050).

Regarding claim 1, Kwon discloses a method for generating a displayable menu, the menu comprising separately rendered menu selectable menu buttons (see fig 6, where the "setup" "Video" "Audio" etc. menu buttons are shown) wherein

at least one group of one or more menu buttons (see fig 6; Examiner is interpreting "setup" as a group of one menu button) is defined, the group having associated a defined area (see fig 7, where "second menu level state" menu buttons are shown) on the display;

a menu button may belong to not more than one of said groups (Examiner notes that “setup” “Video” “Audio” etc are all independent groups);

a state is assigned to each menu button, the state being "enabled" or "disabled", wherein only an enabled menu button may be displayed (see fig 7, where “second menu level state” is shown), and wherein not more than one menu button within a group may be enabled simultaneously (see fig 7, where menu button “setup” is shown).

Regarding claim 2, Kwon discloses a menu button belonging to a group and being displayed is displayed within the area associated with said group, and wherein the areas of different groups do not overlap and no display pixel may belong to more than one group (see fig 7 where the “second menu level state” is shown).

Regarding claim 3, Kwon discloses the area associated with a group comprises a plurality of partial areas not connected with each other (see individual “third menu level state” in figs 7-9).

Regarding claim 4, Kwon discloses the area associated with a group consists of one rectangular area, and wherein visible menu button that belong to said group cover only a part of said area, or cover said area completely (see individual “third menu level state” in figs 7-9).

Regarding claim 5, Kwon discloses all visible menu buttons within a group cover the same part of said rectangular area (see col. 3, line 19 to col. 4, line 24 where the Flash Read On Memory is discussed).

Regarding claim 6, Kwon discloses a menu button has an associated command, the command being executed upon activation of the menu button, and the command

comprising enabling or disabling of another menu button (see col. 6, lines 6-29).

Regarding claim 7, Kwon discloses the menu relates to audio-visual content of a removable storage medium, and the menu data are stored on said medium (see col. 3, line 19 to col. 4, line 24 where the Flash Read On Memory is discussed).

Claims 8 and 9 are similar in scope to claims 1 and 2 respectively, and are therefore rejected under similar rationale.

Regarding claim 10, Kwon discloses a menu button has an associated command, the command being executed upon activation of the menu button, and the command comprising enabling or disabling of another menu button (see col. 6, lines 6-29).

Regarding claim 11, Kwon discloses the menu relates to an audio-visual multimedia presentation being stored on a removable storage medium, and wherein the data stream is also stored on said medium (see col. 3, line 19 to col. 4, line 24 where the Flash Read On Memory is discussed).

Claim 12 is similar in scope to claim 1 and is therefore rejected under similar rationale.

Response to Arguments

5. Applicant's arguments filed 11/19/2008 have been fully considered but they are not persuasive.

Regarding Applicant's arguments concerning the Kwon reference failing to describe a grouping of buttons wherein at any given time not more than one button of a

group is enabled while the other buttons of the group are disabled, the Examiner respectfully disagrees. Kwon's "setup" menu button shown in fig 6 could be interpreted to read on Applicant's claimed "group" since Applicant's claim defines a group as "one or more menu buttons."

Regarding Applicant's arguments concerning the Kwon reference failing to describe separately rendering single button objects, the Examiner respectfully disagrees. It is noted that the subject matter of separately rendered single button objects is not recited in the claims as alleged in the arguments. Examiner further notes that because Kwon's menu buttons- e.g. "setup" "Video" "Audio" etc.- can all be individually selected, they could be interpreted as "separately rendered single button objects."

Conclusion

6. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to RASHAWN TILLERY whose telephone number is 571-272-6480. The examiner can normally be reached on M-F 8:30 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/RASHAWN TILLERY/
Examiner, Art Unit 2174

/Adam L Basehoar/
Primary Examiner, Art Unit 2178